

## REMARKS

### Restriction/Election Requirement

The Office Action dated May 1, 2008 requires election of:

- Group i.      Claims 1 – 7, drawn to a lifting device; or
- Group ii.     Claims 8 – 11, drawn to a method of adjusting the height of a top part.

The preliminary amendment, which was filed on September 28, 2006, included claims 12 – 14, which were not subjected to the restriction requirement. Applicants submit that claims 12 – 14 correspond to Group I; and thus, will respond to the restriction/election requirement in accordance with claims 12 – 14 corresponding to group i.

Applicants respectfully traverse the restriction requirement on the grounds that group i and group ii are easily searched together. However, in order to expedite prosecution, Applicant elects group i, which corresponds to claims 1 – 7 and 12 – 14. Therefore, Applicants cancel claims 8 – 11, subject, however, to reinstatement in the event the requirement for restriction is withdrawn or overruled (37 C.F.R. §1.142).

The Office Action dated May 1, 2008 also requires election of:

- species i.     Figure 1; or
- species ii.    Figure 2.

Applicants respectfully elect species i, which corresponds to claims 1 – 7 and Figure 1. The election of the species is made with traverse, in order to preserve the right to petition. The Office Action states that "claim 1 is generic" (page 4). However, claims 1 - 5 and 12 - 14 in the elected group i read on both species; and thus, are "generic." Accordingly, upon allowance of any of the generic, Applicants reserve the right to reinstate withdrawn claims.

## **CONCLUSION**

If the Examiner is unable to allow claims 1 – 7 and 12 - 14 in the next Office Action and believes that a telephone interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,



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